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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Sibbald, et al

Attorney Docket No.: 3017/47588

Application No.: 09/270,768

Examiner: Harvey, Minsun Oh

Filed: March 17, 1999

Group: 2644

Title: A METHOD OF IMPROVING 3D SOUND
REPRODUCTIONCERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (FAX. No. (703) 872-9306 on May 17, 2004.

Signed:


Karen Howe-BehroozResponse to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The enclosed remarks are submitted in response to the Restriction Requirement made in the Office Action mailed on April 16, 2004. The Examiner required restriction to one of the Group I and Group II inventions. Group I includes claims 1 to 10 and 14 to 15, drawn to an apparatus for producing an audio signal. Group II includes claim 13, drawn to a software product for producing an audio signal. The examiner further indicated that groups I and II are related as combination and subcombination.

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Applicants hereby provisionally elect with traverse the invention of Group I, claims 1 to 10, and 14-15. Applicants reserve the right to submit the nonelected claim(s) in a continuation or divisional application.

Applicants respectfully request reconsideration and withdrawal of the restriction requirement. Applicants believe that restriction is improper for at least the reason that no serious burden would ensue if both groups are examined at the same time. As set forth in MPEP 803.01, a proper requirement for restriction requires that (A) the inventions must be independant and (B) there must be a serious burden on the examiner if restriction is required. Claim 1 of the Group I claims recites a method of processing a single channel audio signal. Claim 13 is the single claim presently in the Group II invention and recites a software product claim comprising a computer readable medium for implementing a method for processing a single channel audio signal. More specifically, the method steps recited in and implemented in the computer program in the software product of claim 13 has the same elements as claim 1. Thus, due at least to the identity of the method steps in the two claims discussed, applicants submit that there is little or no additional burden in searching the invention recited in claim 13 contemporaneously with the search for the Group I claims, including claim 1. Further support for examination of all claims herein can be found in MPEP section 803 which states:

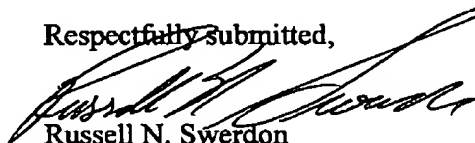
If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants therefore respectfully request that the restriction requirements be withdrawn and the entire application examined pursuant to the guidance provided by MPEP Sections 803 and 803.01.

Conclusion

Accordingly, it is submitted that all issues in the Office Action have been addressed, and withdrawal of the restriction requirement is respectfully requested. Applicants believe that this application is in condition for allowance, and respectfully request a prompt passage to issuance. If the Examiner believes that a telephone conference would expedite the prosecution of this application, he is invited to contact the Applicants' undersigned attorney at the telephone number set out below.

Respectfully submitted,



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